

REMARKS

Summary of the Office Action

The drawings are objected to for failing to comply with 37 C.F.R. § 1.84.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over European Patent Application Publication No. 1 249 696 to Matsushita Electric Industrials Co., Ltd. (hereinafter “Matsushita ‘696”) in view of U.S. Patent No. 6,200,531 to Liljestrand et al. (hereinafter “Liljestrand”).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita ‘696 in view of Liljestrand, and further in view of Japanese Patent Application Laid-Open No. 11-083745 to Matsushita Electric Industrials Co., Ltd. (hereinafter “Matsushita ‘745”).

Claims 6 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita ‘696 in view of Liljestrand, and further in view of Matsushita ‘745 and Japanese Patent Application Laid-Open No. 61-269043 to Shimadzu Corp (hereinafter “Shimadzu”).

Claims 7-9 are objected to as being dependent upon a rejected base, but would be allowable if rewriting in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Proposed substitute Figures 17 and 18 are being submitted concurrently herewith.

Claims 1-4 and 6 have been cancelled without prejudice or disclaimer.

Claims 5, 7 and 10 are currently amended.

Claims 8 and 9 remain as originally filed.

New claims 11-15 have been added.

Thus, claims 5 and 7-15 are respectfully submitted for reconsideration.

Formal Matters

Filed concurrently herewith is a “Submission of Replacement Sheets of Drawings” in compliance with 37 C.F.R. § 1.121(d). There are two replacement sheets, including Figures 17 and 18, which have been labeled “Prior Art” in accordance with the Examiner’s helpful

suggestion. It is respectfully submitted that no new matter has been entered, and that the replacement sheets of drawings fully comply with 37 C.F.R. § 1.84 and with MPEP § 608.02(g).

The drawings were also objected to as allegedly failing to comply with 37 C.F.R. § 1.84(p)(5) because color line CL is not indicated in the drawings. This objection is respectfully traversed in view of the indication of color line CL in Figure 2 of the drawings.

Thus, it is respectfully submitted that the objections to the drawings should be withdrawn.

All Claims Define Allowable Subject Matter

The Examiner's indication that claims 7-9 recite allowable subject matter is greatly appreciated. In accordance with the Examiner's helpful suggestion, claim 7 has been rewritten in independent form so as to additionally include all the features of original claims 4 and 6.

Thus, independent claim 7 is respectfully submitted to be in condition for allowance.

Claims 5 and 8-10 depend from independent claim 7 and thus recite the same allowable combinations of features, as well as reciting additional features that further distinguish over the applied prior art. Therefore, it is further respectfully submitted that the rejections under 35 U.S.C. § 103(a) of claims 5 and 10 should also be withdrawn and that these claims are also allowable.

New claims 11-15 are also respectfully submitted to be patentable over the prior art applied in the Office Action, whether considered individually or in combination. In particular, new independent claim 11 recites a measuring device for immunochromatography test piece including, *inter alia*, a chassis that includes a top portion placed opposite the pedestal; a scanning mechanism that includes a slider block to which the optical head is fixed, a pair of guide rails that guide the slider block in the predetermined scan direction, and a drive motor that moves the slider block in the predetermined scan direction; the pair of guide being fixed to the top portion; and the optical head moving in the predetermined scan direction in a space between the pedestal and the top portion.

New claims 12-15 depend from claim 11 and thus recite the same allowable combinations of features, as well as reciting additional features that further distinguish over the prior art applied in the Office Action.

Therefore, it is further respectfully submitted that new claims 11-15 are also allowable.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully requests reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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By: _____


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